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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 FEDERAL TRADE COMMISSION,

10 Plaintiff,

11 v.

12 AMAZON.COM, INC., *et al.*

13 Defendants.
14

Case No. 2:23-cv-0932-JHC

**STIPULATED ORDER REGARDING
INVESTIGATIONAL HEARING
TRANSCRIPTS**

15 1. As used in this Order, “Subject IHs” means the transcribed investigational hearing
16 testimony of the following individuals taken by the FTC in the investigation leading to this
17 action (FTC File No. 2123050): Omar Kalim, Dharmesh Mehta, Sebastian Gunningham, Jeffrey
18 Bezos, Andrew Jassy, Cem Sibay, Gloria Smuda, Nahshon Davidai, Sridhar Iyer, David Clark,
19 Simone LaHood, Doug Herrington, Sharon Chiarella, Greg Greeley, and Katey Muus. The
20 parties may add to the list of Subject IHs by written agreement of all parties.

21 2. For purposes of Federal Rule of Civil Procedure 32(a), the Subject IHs will be
22 treated as “deposition[s]” at which the party against whom the testimony is being used “was
23 present or represented at the taking of the deposition or had reasonable notice of it,” subject to
the uses allowed by Federal Rule of Civil Procedure 32(a)(2)-(8).

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REGARDING INVESTIGATIONAL
HEARING TRANSCRIPTS
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1 3. Any objection asserted during a Subject IH will be valid to the extent such an
2 objection would have been valid had it been made during a deposition. If a party did not assert
3 an objection during a Subject IH that would have been valid if made during a deposition, there is
4 no waiver of the objection under Federal Rule of Civil Procedure 32(a)(d)(3). The parties
5 reserve all rights to assert additional objections if IH testimony is introduced as evidence in this
6 litigation.

7 4. Absent agreement by the parties, the FTC may not take the deposition of a
8 witness who previously provided testimony at a Subject IH. If the FTC takes the deposition of a
9 witness who previously provided testimony at a Subject IH by agreement of the parties, then
10 Paragraph 2 of this Order shall no longer apply to that witness's Subject IH.

11 5. This Order shall not be read to limit the parties' ability to use any IH testimony
12 (regardless of whether it was given at a Subject IH) to the extent permitted by the Federal Rules
13 of Evidence, Federal Rules of Civil Procedure, and any applicable law or to limit the parties'
14 ability to object to the use of any IH testimony except as expressly provided in this Order with
15 respect to the Subject IHs.

16 6. The parties reserve all rights to use or object to the use of IH testimony to the
17 extent permitted by the Federal Rules of Evidence, Federal Rules of Civil Procedure, and any
18 applicable law except as expressly provided in this Order with respect to the Subject IHs.

19 7. This Order shall not be read to limit the parties' ability to use or object to the use
20 of any other evidence from individuals who testified at any IH to the extent permitted by the
21 Federal Rules of Evidence, Federal Rules of Civil Procedure, and any applicable law.

22 8. Nothing herein shall be read to limit the Court's authority to modify this Order.
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1 **IT IS SO ORDERED.**

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3 Dated this 28th day of August, 2024.

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7 JOHN H. CHUN
8 UNITED STATES DISTRICT JUDGE